IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s):	Taro KATAYAMA et al.
Serial No:	10/561,706
Filing Date:	June 2, 2006
Title:	DATA PROCESSING DEVICE AND PROCESSING METHOD
Examiner:	Chikaodilie E. Anykire
Art Unit:	2621
Docket No.	OKUDP0155US

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal, and the review is requested for the reasons stated on the attached sheets.

In the event any fee or additional fee is due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (under the above Docket Number).

Respectfully submitted,

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ADDENDUM TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

I. INTRODUCTION

Applicants responded to the Final Office action on May 2, 2011. In their response, applicants did not amend the claims. Rather the applicants responded particularly to what they perceive as shortcomings in the Examiner's rejection. Applicants included in their response analysis, and did not merely offer conclusory statements. Their analysis specifically addressed the Examiner's stated basis for the rejection. For example, applicants pointed out how:

(1) *Suzuki* purposely does not stop the audio output, whereas the claimed invention stops outputting the audio (Resp., p. 4); and

(2) The Examiner's reliance on *Suzuki* as teaching the condition of the presentation start time of the audio being earlier than that of the video is not supported at column 6, line 25 to column 7, line 10 as alleged by the Examiner. Applicants expressly requested that should the Examiner maintain such understanding, the Examiner point to where such teaching is in *Suzuki* with more particularity. (Resp., p. 5).

In the Advisory Action, the Examiner merely repeated the language of the rejection made in the Final Office Action with the exception of a single additional sentence, namely:

> *The presentation end times are recognized by the values of presentation time stamp which taught (sic) by Suzuki.* (Advisory Action, sentence bridging pp. 2-3).

Applicants respectfully submit that this added statement by the Examiner is merely conclusory. More importantly, however, applicants respectfully submit that the Examiner's statement appears in no way to be directed towards the above-noted distinctions argued by the applicants. Clearly it is not possible to move forward and reach resolution in the prosecution of an application if the applicant and examiner are not responsive to each other's arguments.

Applicants therefore request the Panel to review the final rejection in light of the applicants' arguments as set forth again below.

II. REJECTION OF CLAIMS 1, 4-9 AND 12-16 UNDER 35 USC §103(a)

Claims 1, 4-9 and 12-16 continue to stand rejected under 35 USC §103(a) based on *Takamori et al.* in view of *Suzuki*. Applicants again respectfully request withdrawal of the rejection for at least the following reasons.

Beginning on page 2 of the final Office Action, the Examiner addressed applicants' previous arguments distinguishing the present invention over that of *Takamori et al.* in view of *Suzuki*. To wit, the Examiner stated:

> ***Response to Arguments***
>
> 2. Applicant's arguments filed October 27, 2010 have been fully considered but they are not persuasive.
>
> The applicant argues that Suzuki does not teach " wherein the control section finds the respective presentation end times of the video and the audio of the first data stream according to the time information added to the video data and the time information added to the audio data, and wherein if the presentation end time of the audio is later than that of the video, the control section stops outputting the audio from the presentation end time of the video through the presentation end time of the audio, wherein the control section finds the respective presentation start times of the video and the audio of the second data stream according to the time information added to the video data and the time information added to the audio data, and wherein if the presentation start time of the audio is earlier than that of the video, the control section stops outputting the audio from the presentation start time of the audio through the presentation start time of the video". The examiner respectfully disagrees. Suzuki teaches that a controller looks to the time information of the video data and the audio data to ensure that they are synchronized together (column 7 lines 1 - 10).

Thus, the Examiner maintained the rejection on the basis that "*Suzuki teaches that a controller looks to the time information of the video data and the audio data to ensure that they are synchronized together* (citing Col. 7, lns. 1-10)." In this regard, applicants wish to point out that they *agree* with the Examiner's understanding. Namely, applicants agree with the Examiner that *Suzuki's* controller looks to the time information of the video data and the audio data to ensure that they are synchronized together.

Suzuki:

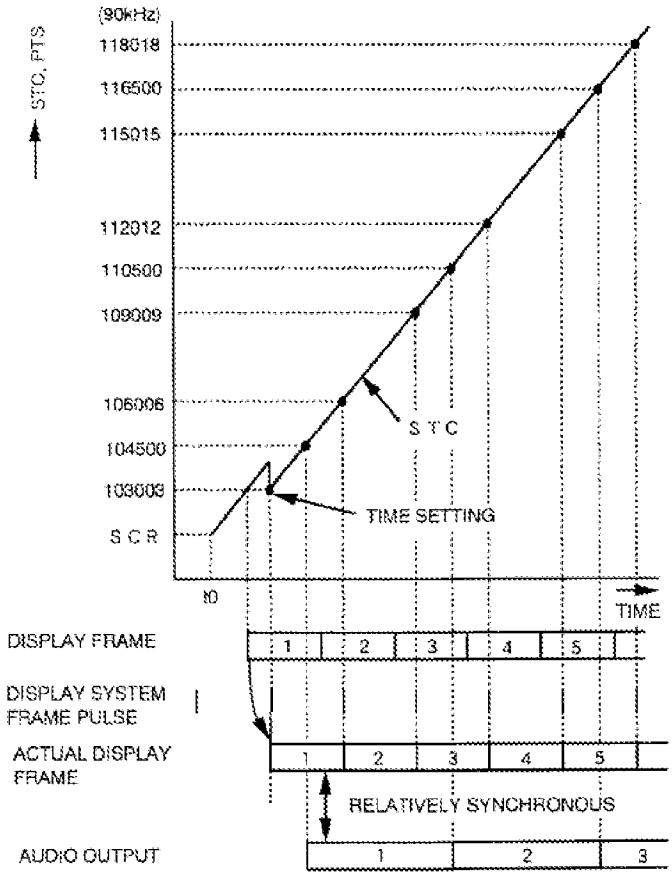

FIG. 2

For example, Fig. 2 of *Suzuki* (reproduced above) illustrates how the actual display frame (i.e., the video) and audio output are relatively synchronous. Therefore, consistent with the Examiner's and the applicants' understanding, *Suzuki* does teach that the controller looks to the time information of the video data and the audio data to

ensure that they are synchronized together.

However, applicants again respectfully submit that such action in *Suzuki* is contrary to that which is being claimed in claims 1 and 9. Claim 1 recites how if the presentation end time of the audio is later than that of the video, the control section *stops outputting the audio* from the presentation end time of the video through the presentation end time of the audio. Similarly, claim 9 recites the step of *stopping outputting the audio* from the presentation end time of the video through the presentation end time of the audio if the presentation end time of the audio is later than that of the video.

Suzuki purposely *does not stop* the audio output, as this enables the controller in *Suzuki* to maintain the video output and audio output relatively synchronous. As shown in Fig. 2 of *Suzuki* and discussed at column 7, lines 11-22, for example, audio data is output from the first frame having audio PTS "104500". The audio decoder 30 outputs the output audio data 31 in completely synchronized with the system time clock (STC) 102. In other words, the output audio signal 31 is synchronized relatively and completely with the display video data 51. (Col. 7, lns. 12-22). The audio output in *Suzuki* is *not stopped* at all, else the audio output could not be synchronized as taught in *Suzuki*.

Applicants therefore again note that the data processor/method of claims 1 and 9 rely on *stopping* outputting of the audio in the case where the presentation end time of the audio is later than that of the video, or in the case where the presentation start time of the audio is earlier than that of the video. Thus, the data processor/method of claims 1 and 9 process the data not by synchronizing the audio and video but rather by stopping the outputting of the audio in the event the presentation end time of the audio is later than that of the video, or the case where the presentation start time of the audio is earlier than that of the video.

The Examiner acknowledges that *Takamori et al.* does not explicitly teach a control section finding the respective presentation end times of the video and the audio of the first data stream according to the time information added to the video data and

the time information added to the audio data, and wherein the presentation end time of the audio is later than that of the video, the control section stops outputting the audio from the presentation end time of the video through the presentation end time of the audio. Moreover, for the reasons expressed above *Suzuki* does not make up for the deficiencies in *Takamori et al.*

Still further, applicants note that claims 1 and 9 recite the condition of whether the presentation start time of the audio is earlier than that of the video. The Examiner relies on *Suzuki* at column 6, line 25 to column 7, line 10 as teaching the condition of the presentation start time of the audio being earlier than that of the video. However, applicants are unable to find any such teaching. Should the Examiner maintain such teaching in *Suzuki*, applicants respectfully request that the Examiner point out such teaching in *Suzuki* with more particularity.

Applicants therefore respectfully submit that the modification presented by the Examiner would not have been obvious and the rejection of claim 1 should be withdrawn. Similar comments apply with respect to method claim 9. Accordingly, applicants respectfully request withdrawal of the rejection of claims 1 and 9, together with the claims dependent therefrom.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the claims are patentable over the applied art and that the rejections advanced by the Examiner should be reversed.